

UNITED STATES DISTRICT COURT

FOR THE

District of

PUERTO RICO

UNITED STATES OF AMERICA
V.

AMENDED JUDGMENT IN A CRIMINAL CASE (For Revocation of Probation or Supervised Release)

TN: LUIS JAVIER ROSARIO-TELLADO

Case Number: 3:00CR048-21 (JAF)

USM Number: 20199-069

FRANK INSERNI-MILAM, ESQ.

Defendant's Attorney

THE DEFENDANT:

admitted guilt to violation of condition(s) 2, 7, 8, 9, 11 and Mandatory Conditions of the term of supervision.

was found in violation of condition(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

Violation Number	Nature of Violation	Violation Ended
Standard Condition #2	The defendant shall report to the Probation Officer and shall submit a truthful and complete written report within the first five days of each month.	12/13/2005
Standard Condition #7	The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.	12/06/2005
Standard Condition #8	The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.	4/15/2005
Standard Condition #9	The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.	4/12/2005
Standard Condition #11	The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.	7/08/2005
Mandatory Condition	The defendant shall not commit another federal, state or local crime.	5/30/2005
Mandatory Condition	The defendant shall not illegally possess a controlled substance.	4/15/2005

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: XXX-XX-XXXX

FEBRUARY 16, 2006

Date of Imposition of Judgment

Defendant's Date of XX-XX-XX

s/ Jose A. Fuste
Signature of Judge

Defendant's Residence Address:

Defendant's Mailing Address:

JOSE A. FUSTE, CHIEF, U. S. DISTRICT JUDGE

Name and Title of Judge

MARCH 17, 2006

Date

DEFENDANT: TN: LUIS JAVIER ROSARIO-TELLADO
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of : **4 MONTHS**

The court makes the following recommendations to the Bureau of Prisons:

X The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____.
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____.
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
a _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEFENDANT: TN: LUIS JAVIER ROSARIO-TELLADO
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : **24 MONTHS UNDER THE FOLLOWING TERMS AND CONDITIONS:**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: TN: LUIS JAVIER ROSARIO-TELLADO
CASE NUMBER: 3:00CR048-21 (JAF)

ADDITIONAL SUPERVISED RELEASE TERMS

1. *The defendant shall refrain from the unlawful use of controlled substances and submit to a drug test within fifteen (15) days of placed on probation. Thereafter, submit to random drug testing, not to exceed 104 samples per year accordance with the Drug Aftercare Program Policy of the U. S. Probation Office approved by this Court. If any such samples detect substance abuse, the defendant shall participate in a drug treatment program (in-patient or out-patient) in accordance with such policy. The defendant is required to contribute to the cost of services rendered (co-payment) based on the ability to pay or availability of third party payments, as approved by the court.
2. The defendant shall enter into an in-patient or out-patient substance abuse treatment program, and shall submit to urinalysis and other testing, the details of such treatment to be arranged by the U. S. Probation Officer, but the number of urine samples shall not exceed 104 samples a year. While in treatment and after discharged from treatment, the defendant is to abstain from the use of alcohol and/or illegal drugs.
3. The defendant shall produce evidence to the U. S. Probation Officer to the effect that income tax returns have been duly filed within his place of residence as required by law.
4. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises my be subject to searches pursuant to this condition.
5. Defendant shall not return to his address on record, that is: Caracoles Ward in Peñuelas, Puerto Rico.

DEFENDANT:

CASE NUMBER:

CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments set forth on Sheet 6.

TOTALS	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
	\$ _____	\$ _____	\$ _____

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS \$ _____ \$ _____

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution or a fine more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

